

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

ALLUCIUS CROSBY

PLAINTIFF

v.

NO. 4:07CV119-P-S

LAWRENCE KELLY, ET AL.

DEFENDANTS

ORDER OF DISMISSAL

The court takes up, *sua sponte*, the dismissal of this cause. On June 4, 2009, the court entered an order requiring the plaintiff to file his exhibit list and amended witness list no later than July 1, 2009. The order cautioned the plaintiff that failure to comply with the order could result in the dismissal of this case. Despite this warning, the plaintiff has failed to comply with the court's order, and the deadline for compliance passed on July 1, 2009. This case is therefore **DISMISSED** without prejudice for failure to prosecute and for failure to comply with an order of the court under FED. R. CIV. P. 41(b). In light of this order, any motions pending in this case are hereby **DISMISSED** as moot.

SO ORDERED, this the 27th day of July, 2009.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE